

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CAMOFI MASTER LDC,

Plaintiff,

-against-

LISKA BIOMETRY, INC., et al.,

Defendants.

ALVIN K. HELLERSTEIN, U.S.D.J.:

SEARCHED	INDEXED
SERIALIZED	FILED
SEPTEMBER 23 2009	
U.S. DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	

**ORDER OF DISMISSAL**  
**CORRECTING PRIOR ORDER**

: 09 Civ. 58 (AKH)

In anticipation of oral argument on Plaintiff's and Third-Party Defendant's Motion to Dismiss Defendant's Counterclaims, pursuant to Rule 12(b)(6), the Plaintiff, a limited duration company, was advised by Order dated August 18, 2009 to be prepared to show at oral argument that diversity of citizenship exists between the parties, in light of the rulings in Carden v. Arkoma Assocs., 494 U.S. 185, 195-96 (1990) and Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 53 (2d Cir. 2000).

On September 9, 2009, the parties appeared before me for oral argument and, at the outset of the proceeding, indicated that the case would be dismissed without prejudice upon consent of the parties because Plaintiff declined to prove subject matter jurisdiction.

A formal Order of Dismissal, dated September 14, 2009, recited that the case was dismissed. The Order of Dismissal also set forth, in error, that Plaintiff had conceded that subject matter jurisdiction did not exist. Plaintiff did not so concede, it merely declined to make the requisite showing.

The Clerk shall continue to mark the case as closed.

SO ORDERED.

Dated: New York, New York  
September 22, 2009



ALVIN K. HELLERSTEIN  
United States District Judge